

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61347 of 2023

Arising Out of PS. Case No.-59 Year-2020 Thana- SONEPUR District- Saran

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1. SAVITRI DEVI W/O VIJAY SINGH R/O VILLAGE- BHARANPURA, PS. SONEPUR, DIST. SARAN
 2. RINKU DEVI W/O VINAY KUMAR SINGH R/O VILLAGE- BHARANPURA, PS. SONEPUR, DIST. SARAN
 3. RAVI KUMAR S/O VIJAY SINGH R/O VILLAGE- BHARANPURA, PS. SONEPUR, DIST. SARAN
 4. HITLAR KUMAR @ DAYAL KUMAR @ DAYAL PRASAD S/O LATE SUDAMA RAI R/O VILLAGE- RAHAR DIYARA, PS. SONEPUR, DIST. SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
		Mrs. Kumari Anupam, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-10-2023 Heard the learned senior counsel for the
petitioners and the learned A.P.P. for the State.

2. The petitioners apprehend their arrest in
connection with Sonapur P.S. Case No. 59 of 2020,
registered for the offences punishable under
Sections 363, 366A and 120(b) of the Indian Penal
Code.

3. The allegation is regarding the accused
persons having kidnapped the niece of the
informant.



4. The learned senior counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having clean antecedent. The learned counsel for the petitioners has further referred to the statement made by the victim girl under Section 164 Cr.P.C., before the learned Magistrate, which is annexed as Annexure-2 to the present petition, wherein she has specifically alleged that one Rohit Kumar had taken her on a motorcycle to Hajipur and kept her there in a quarter, however, she has not alleged the said Rohit Kumar to have committed any untoward incident with her. It is further submitted that as far as the petitioner no. 1 is concerned, she is the mother of the said Rohit Kumar, while the petitioner no. 3 is the brother of the said Rohit Kumar and the petitioners no. 2 & 4 are not immediate relations, nonetheless, they are not having any role in the alleged occurrence, as is also apparent from the statement made by the victim girl under Section 164 Cr.P.C., before the



learned Magistrate, hence the petitioners be granted the privilege of anticipatory bail.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that one Rohit Kumar is alleged to have taken away the victim girl on a motorcycle to Hajipur, Konhara Road and as far as the petitioners are concerned, the victim girl has not alleged them to be her kidnappers, as is apparent from her statement made under Section 164 Cr.P.C., before the learned Magistrate and in fact the victim girl has also not alleged that the said Rohit Kumar had committed any untoward incident with her, thus prima facie this Court finds that as far as the petitioners are concerned, they have got no complicity in the alleged occurrence, hence, I deem it fit and proper to admit the



petitioners herein to the privilege of anticipatory bail.

7. Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Saran at Chhapra, in connection with Sonapur P.S. Case No. 59 of 2020, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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